

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

CASE NO. CR17-0269-JCC

10 Plaintiff,

MINUTE ORDER

11 v.

12 BRANDON BRANDRETH-GIBBS,

13 Defendant.
14

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on the parties' stipulated motion to continue trial and
18 reset the pretrial motions deadline (Dkt. No. 30). Pursuant to the parties' stipulation, the Court
19 FINDS the following:

20 (a) taking into account the exercise of due diligence, a failure to grant a continuance
21 would deny counsel for the Defendant the reasonable time necessary for effective preparation,
22 due to the need for the parties to complete and present to the Court the necessary evaluations of
23 Mr. Brandreth-Gibbs' competency to stand trial;

24 (b) a failure to grant a continuance would likely result in a miscarriage of justice, as
25 set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

26 (c) the additional time requested is a reasonable period of delay, given the complexity

1 of the case and the necessity of arriving at a fair determination of Mr. Brandreth-Gibbs'
2 competency prior to completion of final trial preparation;

3 (d) the case is sufficiently complex that it is unreasonable to expect adequate
4 preparation for pretrial proceedings or the trial itself within the current trial schedule, as set forth
5 in 18 U.S.C. § 3161(h)(7)(B)(ii), given that the competency issue has not yet been resolved;

6 (e) the ends of justice will best be served by a continuance, and the ends of justice
7 outweigh the best interests of the public and the Defendant in a speedier trial, as set forth in 18
8 U.S.C. § 3161(h)(7)(A); and

9 (f) the additional time requested between the current trial date of February 12, 2018,
10 and the new trial date is necessary to provide counsel for the Defendant reasonable time to
11 prepare for trial considering all of the facts set forth above.

12 (g) pursuant to 18 U.S.C. § 3161(h)(1)(A), the time for trial is tolled during this
13 period, from the date of the filing of the Defendant's Unopposed Motion for Competency
14 Examination until the issue of Defendant's competency is determined by the Court.

15 Accordingly, the Court ORDERS that trial in this case be reset to July 16, 2018. Pretrial
16 motions shall be filed no later than June 15, 2018. The Clerk is DIRECTED to VACATE the
17 trial date currently scheduled for February 12, 2018.

18 DATED this 2nd day of February 2018.

19 William M. McCool
20 Clerk of Court

21 s/Tomas Hernandez
22 Deputy Clerk
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